

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

UNION PACIFIC RAILROAD CO.

CIVIL ACTION NO. 15-0074

VERSUS

JUDGE ROBERT G. JAMES

TAYLOR TRUCK LINE INC., ET AL

MAGISTRATE JUDGE HAYES

RULING

This is a diversity action arising out of a collision between Plaintiff Union Pacific Railroad Co.'s train and a tractor trailer owned by Defendant College City Leasing, LLC; leased by Defendant Taylor Truck Line, Inc.; and driven by Defendant Daniel Shackelford.

Pending before the Court is Defendants' Motion to Compel Joinder [Doc. No. 6]. On April 21, 2015, Magistrate Judge Hayes issued a Report and Recommendation [Doc. No. 16] recommending that the motion be denied. Defendants filed objections [Doc. No. 26] to the Report and Recommendation. Plaintiff filed a response [Doc. No. 27] to Defendants' objections.

After having reviewed the record in this matter, including Defendants' objections and Plaintiff's response, the Court finds that Magistrate Judge Hayes correctly stated and applied the law and hereby ADOPTS her Report and Recommendation with the following exceptions and clarifications.

First, on pages 1 and 5 of the Report and Recommendation, Magistrate Judge Hayes incorrectly states that the incident which forms the basis of the lawsuit occurred on October 5, **2013**, and, thus, any subsequent lawsuits are likely time barred. [Doc. No. 16, pp. 1, 5 n. 5]. As Defendants point out, the incident actually occurred on October 5, **2014**, and, thus, the one-year prescriptive

period would not run until October 5, 2015. Accordingly, to this extent, the Court DECLINES TO ADOPT the Report and Recommendation. The Court's correction of this error, however, does not undermine or otherwise change Magistrate Judge Hayes' analysis.

Second, Defendants attached to their objections a copy of a lawsuit filed by Plaintiff's employee, Russell Rowe, in the Fourth Judicial District Court, Morehouse Parish, against the Defendants named in this lawsuit, as well as the State of Louisiana. A copy of this lawsuit was not provided to Magistrate Judge Hayes prior to the issuance of her Report and Recommendation. Nevertheless, the Court finds the filing of the lawsuit neither negates Magistrate Judge Hayes' analysis, nor compels a different result. On page 6 of the Report and Recommendation, Magistrate Judge Hayes assumed the proposed parties, like Russell Rowe, "claim an interest in the subject of this proceeding and will institute suits against Defendants," but found that, even if this were to occur, Defendants would not be "subject to a substantial risk of incurring multiple or otherwise inconsistent obligations." [Doc. No. 16, p. 6]. The Court agrees.

Therefore, for the foregoing reasons, the Court DENIES Defendants' Motion to Compel Joinder.

MONROE, LOUISIANA, this 29th day of May, 2015.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE